

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

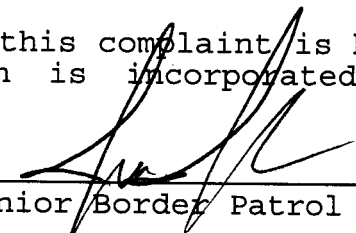
08 MJ 8540

UNITED STATES OF AMERICA,)	Magistrate Case No.:
)	
Plaintiff,)	<u>COMPLAINT FOR VIOLATION OF</u>
)	
v.)	Title 8, U.S.C., § 1326
)	Deported Alien Found in
Alfredo CHAVARRIA-Saucedo)	the United States (Felony)
)	
Defendant.)	

The undersigned complainant being duly sworn states:

That on or about June 13, 2008, within the Southern District of California, defendant Alfredo CHAVARRIA-Saucedo, an alien, who previously had been excluded, deported or removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16TH
DAY OF JUNE 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by the apprehending agents, A. Balkas and J. Greene that on June 13, 2008, the defendant, a native and citizen of Mexico, was apprehended near Ocotillo, California, as a passenger in a vehicle containing four illegal aliens west of the Calexico, California Port of Entry.

Agent A. Balkas and J. Greene were performing checkpoint duties on Highway S-2, approximately 29 miles west of the Calexico, California Port of Entry. At approximately 10:30 a.m., a silver Ford F-150 bearing California license plates 7M35177 approached the marked Border Patrol checkpoint. After the Ford F-150 came to a stop, Agent Balkas approached the vehicle and identified himself as a United States Border Patrol Agent to the driver and four passengers of the Ford F-150. Agent Balkas questioned the driver, later identified as David Anthony COLE as to his immigration status. Agent Balkas noticed that the passengers appeared nervous and were looking either down or straight ahead. Agent Greene questioned the passengers as to their immigration status to be in the United States. The passenger didn't answer at first. Agent Balkas ordered COLE to park his vehicle in secondary inspection. Agent Greene ordered the passengers out of the vehicle. Agent Greene began to question the passengers of the vehicle. One of the passengers, later identified as Alfredo CHAVARRIA-Sauceda stated that he was a citizen of Mexico and illegally in the United States. CHAVARRIA-Sauceda and the other subjects were placed under arrest and transported to the El Centro Border Patrol Station.

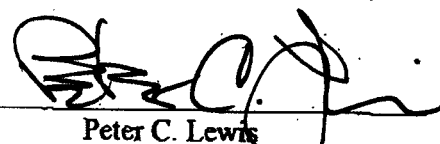
Record checks revealed that CHAVARRIA-Sauceda was deported to Mexico from the United States on September 14, 2006. Record checks also revealed that CHAVARRIA-Sauceda has an extensive criminal record.

At approximately 5:33 p.m. CHAVARRIA-Sauceda was advised of his Miranda Rights. There is no evidence CHAVARRIA-Sauceda has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on June 14, 2008 at 1030.


Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on June 13, 2008 in violation of Title 8, United States Code 1326.


Peter C. Lewis
United States Magistrate Judge

3:15 p.m.
6/14/08 ~~10:30~~
Date/Time